

Application No. 10/791,571
Amendment dated August 24, 2006
Reply to Office action of April 25, 2006

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REMARKS/ARGUMENTS

Telephone Interview

The Applicant would like to thank the Examiner, Jason R. Bellinger, for the phone conversation which was conducted on August 22, 2006.

Claims Rejections – 35 USC § 103

The Examiner has rejected claims 1-2, 4-9, 13-15 and 20-21 under 35 USC § 103(a) as being obvious over the U.S. Patent No. 6,176,557, granted to Yoshihiko Ono (hereinafter "Ono"), and in view of the U.S. Patent No. 6,793,296, granted to André Deland and François Duquette (hereinafter "Deland").

Upon review of the arguments of the Examiner, the Applicant has noticed that U.S. Patent No. 6,793,296, granted to Deland, was in fact assigned to the same assignee as the current patent application, namely Soucy International Inc. Accordingly, the Applicant wishes to invoke 35 USC § 103(c)(1), which recites:

35 U.S.C. 103 Conditions for patentability; nonobvious subject matter.

(c)(1) Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person. (emphasis added)

Since the subject matter and the claimed invention disclosed in the U.S. Patent No. 6,793,296 to Deland was, at the time the current invention was made, assigned or subjected to an assignment to the same person, namely Soucy International Inc., the Applicant respectfully believes that U.S. Patent No. 6,793,296 does not qualify as prior art against the current patent application.

Pursuant to 37 CFR § 1.130(a), in order to overcome the rejection, the Applicant is hereby filing a terminal disclaimer and a declaration stating that the current patent application and the cited

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patent, namely U.S. Patent No. 6,793,296, are currently own by the same person, namely Soucy International Inc.

Therefore, the Applicant respectfully requests that the rejection of claims 1-2, 4-9, 13-15 and 20-21 under 35 USC § 103(a) in view of Ono and Deland be withdrawn.

Considering the above arguments, the Applicant respectfully requests that a timely Notice of Allowance be issued in this case for all pending claims. Still, should it be found necessary or practical, the Examiner is kindly invited to telephone the undersigned, the Applicant's agent of record, to facilitate the advancement of the present patent application.

Respectfully submitted,

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